The Cochin Free Compulsory Primary Education Bill (Contd).

Mr. President.—The House will now resume the consideration of the Primary Education Bill.

The question is that clause 5 stand part of the Bill.

Function of Education Committee.

5. (1) In particular and without prejudice to the generality of the provisions of this Regulation, it shall be the duty of the Education Committees to enforce the provisions of this Regulation, in regard to the attendance at school and the employment of children.

(2) From such date as the Government may direct in this behalf in respect of each Education Gommittee and subject to the general control of the Education Department, the Education Committee shall exercise and perform such powers and duties as may be enacted in this Regulation or prescribed under the rules framed thereunder.

(3) It shall be the duty of Education Committees to obtain and keep a record of such information as may be necessary for the purpose of securing the observance of sections 6 and 9 of this Regulation.

(4) The Education Committees shall elect their Chairman.

(5) The Education Committees shall submit for the sanction of the Government, their annual budget estimate for providing, free of cost, books, writing materials and clothes and in particular cases a free meal also.

(6) The Education Committee may, from time to time, delegate any of its powers and duties to any sub-committee or member: such committee or member shall conform to any instruction that may, from time to time, be given by the Education Committee; the Committee may, at any time, discontinue or alter the constitution of any sub-committee so formed or withdraw any of the powers or duties so delegated.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I beg to move the following amendment:

"Delete section 5 (4) of the Bill and substitute for it the following.—"The Director of Public Instruction shall be the Chairman of the Education Committees".

The reason for this amendment was elaborately discussed yesterday and no further speech is necessary.

Amendment was put and carried.

Clause 5 as amended was put and carried.

Mr. President.—The question is that clause 6 stand part of the Bill.

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6. Whereas a notification under section 2 hereof is in force in any area or with respect to any community every guardian shall, if such guardian and child ordinarily reside in such area or belong to such community, cause such a child to attend a recognised primary school; and once a child has been compelled to attend school under this Regulation it shall be compelled to complete the full course of Primary Education regardless of age.

Obligation on Guardian to send children to school.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I beg to move the following amendment:

"From section 6 delete the first word 'whereas' and substitute for it the word 'where'.

It is only a mere slip.

Amendment was put and carried.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I beg to move the following amendment:

From section 6 delete the words 'or with respect to any community and 'or belong to such community'.

Amendment was put and carried.

Mr. P. Raman Menon (*Mulankunnathukavu*).—I beg to move the following amendment:

"Clause 6. Omit the words 'regardless of age' and substitute therefor 'or continue to attend the School till the end of the term in which it attained the age of 14".

Suppose a child after being admitted to a school finds it very difficult to pass any of the examinations; even then under this scale till the course is completed he will be forced to attend the school; and there will be a regular tug-of-war between the authorities and the parents, when in some instances the poor pupils may serve as the ropes. The parent will say he cannot send the child to school as he is proved to be an idiot and the Government will say 'you must as the law says he must be in school regardless of age till he passes out the four classes'. Therefore, I think it is better to put some age-limit there. That is the object of my amendment. I have put it as 14. I do not care whether it is 16 or 18. As it is, the section is absurd and ununderstandable.

Rao Sahib I. N. Menon *(Director of Public Instruction).*—The amendment cannot be accepted. What happens, Sir, is the period of compulsion is from 6 to 11 and if a person is

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above 11, there is no question of compulsion. Really speaking, there is no need for this amendment.

Mr. P. Raman Menon *(Mulankunnathukavu).*—When once a child has been compelled to attend the school under this Regulation, it shall be compelled to complete the full course. This is another compulsion.

Rao Sahib I. N. Menon *(Director of Public Instruction).*—A child above 11 cannot be compelled under the statute.

* **Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri).*—The object of introducing compulsion is to see that primary education is made available, is even forced upon unwilling persons. That is the object. That being so and the school-going age being fixed at 6 to 11, supposing tomorrow Government declares a particular area as an area for compulsory primary education, any child on this side of 11 for example 10 years old, will have to be taken to the School. That will be the necessary import of declaring a particular area of compulsion. So, to start with, we get a child of 10 or 11 being put into the earliest class, viz., the 1st class. The object of the Education Bill being not only to see that he enters the school hall but to see that he gets the benefits of education, it is in the interests of all concerned that the one who enters the first class gets through all the four classes of the primary department. Unless this is in the Regulation, a child who enters the 1st class in the 11th year is an individual who is beyond the scope of this Bill in the 2nd year, because he is 12 and therefore he cannot be compelled.

Mr. President.—Is it the Hon'ble Member's contention that compulsion should be applied only in certain cases?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*—In this particular case when a boy of 11 is put into the school he must be given the full course of 4 years to complete the primary education. Otherwise there is the necessary wastage in primary education and to have the object of compulsion satisfied it is necessary that that clause is there. Though he should not be allowed to go out of the school after 11, at least he is not liable to be compelled to be at school after 11. It is with that object that the select committee introduced the expression "regardless of age". In the normal course an ordinary student will go through the 4 classes of the primary Department. But a child of 11 entering the 1st class must be compelled to go through all the 4 classes.

* Speech not corrected by the Hon'ble Member.

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Mr. President.—Suppose he takes 10 years to go through the 4 classes. If we have an amendment fixing an age-limit, viz., 16 as in the previous amendment which was not moved, Mr. Balarama Ayyar being absent, if within 5 years he may not have completed the course at least he will have the benefit of 4 years' course at school. The expression "regardless of age" is repulsive. Therefore there should be an amendment fixing age-limit as 15 or 16.

Mr. K. P. Kannan Nayar (*Joint Secretary to Government*).—But he will not be a child under the Regulation.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*).—Hence this clause. In order to attain that object, this provision is made here. It is in that view that the committee made the recommendation. Mr. Balarama Ayyar's amendment fixing the age at 16 is one that is acceptable, but Mr. Raman Menon's amendment is not.

Mr. P. Raman Menon (*Mulankunnathukavu*).—Now there is the compulsion to complete the full course of primary education. It is not really in the first class for four years. He must pass the 1st class, 2nd class, 3rd class and 4th class and then only the full course will be completed. Here is a boy who is unable even to complete the first class. How can we compel him to complete the course? Therefore there is really some absurdity in this clause and it should be wiped out.

Mr. President.—You cannot compel a boy for passing an examination. It is absolutely impossible. You can compel a child to remain in school for a certain number of years. How can you compel a boy to pass an examination? Then you are changing the age of compulsion. Government must have some reasonable position to take on that clause. What is the position of Government with regard to clause 6 as it is? Is it the intention of Government to pass section 6 as it is with this absurdity?

Rao Sahib I. N. Menon (*Director of Public Instruction*).—I shall explain what happened. I think the word 'course' is very ambiguous. The intention of the committee by saying that it will complete the course is that they should complete a number of years. I think it is ambiguous. They said 6 years of compulsory education, i. e., 5 to 11 and by completing the course.

Mr. President.—There are two items altogether. Do you want the child to compulsorily join the school until he

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attains a certain age, or do you want the child to join for a certain number of years?

Dr. A. R. Menon *(Pallippuram).*—Generally, compulsion is only up to a certain age. Everywhere compulsion is introduced from a certain age to a certain age.

മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur*).— ഈ ബിൽ നാളെ നടപ്പിൽ വരുത്തുകയാണെങ്കിൽ ആദ്യത്തെ ഒരു കൊല്ലക്കാലത്തേയ്ക്കു ല്ലേ ബുദ്ധിമുട്ടുള്ളൂ?

Mr. President.—During the first 4 years what is it that has to be done?

*മിസ്റ്റർ ടി. കെ. നായർ *(Pazhayannur.)*.— ആദ്യം നടപ്പിൽ വരുത്തുന്ന അവസരത്തിൽ—പത്തു വയസ്സിലുള്ള കുട്ടികളും പതിനൊന്നു വയസ്സിലുള്ള കുട്ടികളും ഉണ്ടാകുന്നുണ്ടെങ്കിൽ നിർബ്ബന്ധ വിദ്യാഭ്യാസം വന്നു് ഒരു കൊല്ലം കഴിയുന്ന അവസരത്തിൽ—അവക്കു് ഇഷ്ടമുണ്ടെങ്കിൽ മതി; ഒരു കുട്ടി ഒരു ക്ലാസിൽ ര കൊല്ലക്കാലം തോറ്റാൽ അങ്ങനെയുള്ള കുട്ടികളെ കമ്പൽചെയ്യുകയാണെങ്കിൽ പത്തു വയസ്സാകുമ്പോൾ പ്രൈമറി എഡ്യൂക്കേഷൻ കഴിഞ്ഞു എന്നുവന്നേയ്ക്കാം. അതു കൊണ്ടു് പത്തു വയസ്സായ കുട്ടികൾക്കും ര കൊല്ലത്തെ കമ്പൽഷൻ കൊടുക്കേണ്ടതാണു്. ഈ ഉദ്ദേശം ന്യായമായിട്ടുള്ള തൊണെന്നാണു് എനിയ്ക്കു തോന്നുന്നതു്.

Mr. President.—Even in the matter of compulsion there must be some sort of uniformity. You must fix a certain age up to 11, up to 12, up to 13 or up to 14. I think that the intention of Government is that the compulsion must be with regard to a certain age of the child. Then a suitable amendment will have to be made in the third reading of the Bill. The clause will be passed now, subject to the amendment.

Clause 6 as amended was put and carried.

Mr. President—The question is that clauses 7 to 9 stand part of the Bill.

Exemption from attendance at school.

7. (a) A child may be exempted from compulsory attendance at school under this Regulation; when it is receiving, otherwise than in a recognised primary school, instruction in a school approved by the Education Committee;

(b) when it is receiving otherwise than in a recognised primary school, education which, in the opinion of the Education Committee, is efficient or has received from the Education Committee a certificate of having already completed its primary education;

* Speech not corrected by the Hon'ble Member.

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(c) where it is impracticable or inexpedient that it should attend school, on account of illness, disease, injury, affliction, infirmity, or other cause of this or of any nature regarded as sufficient by the Education Committee in accordance with the rules prescribed in this behalf;

(d) where there is no recognised primary school within a distance of one mile measured along the nearest road from the residence of the child which the child can attend;

(e) when it has been exempted by the Education Committee on religious grounds, or on account of social custom.

Warning for a failure to discharge obligation (section 6) and for interference (section 9).

8. (1) When the Education Committee has reason to believe that a guardian of any child to whom this Regulation applies is failing to discharge the obligation created by section 6 hereof or that any person is interfering with the attendance of a child or children at a recognised primary school in the manner detailed in section 9, it shall warn him in writing to cause the child or children concerned to attend school, or to discontinue the offence under section 9, as the case may be, within one week from the receipt of such warning.

(2) When an Education Committee is satisfied that a guardian has failed to cause his child or children to attend school, or any person is interfering with such attendance of a child or children even after the warning mentioned in sub-section (1) hereof, it shall lodge a complaint against such guardian or other person with the Magistrate having local jurisdiction.

(3) If satisfied that the complaint is well-founded, the Magistrate shall pass an order directing the guardian or other person to cause the child or children concerned to attend school regularly or to refrain from interfering with the attendance of the child or children, as the case may be, after a specified date. And if the guardian or other person fails to comply with such order he shall be, liable to a fine not exceeding five rupees;

Provided that any person who has on two or more occasions been fined under this section shall, be liable to a fine not exceeding rupees twenty.

Penalty for employment of children or interference with their attendance at school.

9. Any person other than guardian, who shall utilise the time or services of a child in connection with any employment whether for remuneration or not in such way or at such time as to interfere with the attendance of the child at a recognised primary school in spite of a warning given under the previous section hereof shall be liable to a fine not exceeding rupees fifteen for a first offence and not exceeding rupees thirty for each subsequent offence.

Clauses were put and carried.

Mr. President.—The question is that clause 10 stand part of the Bill.

No fee to be charged and free books, etc., to be provided in certain cases.

10. (1) No fee shall be accepted from any pupil for any tuition in any recognised primary school.

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(2) The children of necessitous guardians too poor to buy books, writing materials and clothes may, if the Education Committee so recommends be provided with the use of necessary books and writing materials free of cost by the Government, and those children who are specially recommended by the Education Committee, may also be provided with a free meal on those days they attend school.

Mr. P. Raman Menon (*Mulankunnathukavu*).—I beg to move the following amendment:—

In clause 10 sub-section 2 change the word 'may' occurring in lines 2 and 5 into 'shall'.

There is a committee appointed under this Bill wherever compulsion is introduced and according to the recommendations of this committee necessary books and writing materials and in exceptional cases a noon-day meal, are supplied to the children of necessitous parents by the Government. Under these circumstances, I submit that 'shall' may be substituted for the word 'may'. In cases where the committee finds it absolutely necessary to supply these it must be obligatory on the part of the Government to do it. Otherwise it is meaningless and useless.

Rao Sahib I. N. Menon (*Director of Public Instruction*).—The intention of the select committee was that this should not be made as a sort of stumbling block that Government should prior to giving effect to the other provisions of this Bill compel themselves to provide the wherewithal for these boys and girls attending the primary schools. That was the one reason why it was made optional. If this amendment is accepted and made obligatory I think it would be very difficult for Government to declare any area as a special area of compulsion. The commitment involved may be very great. If the committee says that certain things may be provided Government will be compelled to do it themselves or not declare it as an area of compulsion.

Mr. P. Raman Menon (*Mulankunnathukavu*).—Yesterday when I moved an amendment to the effect that the age of the poor famished underfed child should be changed from 6 to 8, it was pointed out in a mood of opposition by some of the Hon'ble Members of this House, that there would be no difficulty on that score, as a full meal has to be given them during school days. Even though these urchins are not well-fed, or even though their parents are too poor to feed them, and even though there are several other difficulties, in their way these children are obliged to go to school where they will also get a full meal. Now with this 'may' here instead of a full meal, they get only a recommendation for a meal from the committee and Govern-

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ment may or may not give the meal recommended. The pupils will say, we went to the school on the understanding that we would get one meal. It is very difficult to send a boy under-fed, without even kanji water to take at home to School, and if he is not sent the guardians can be proceeded against and fined also. You are introducing the element of compulsion. Otherwise this is alright. There must be something for a boy to live upon. If you are not going to supply them with food at least in extreme cases it is better to withdraw the whole scheme. Therefore, I move that the amendment may be put to vote. Let the non-official Members cut vote it, if they dare.

Mr. M. Sivarama Menon *(Ernakulam South).*—Mr. President, Sir, as I understand it, Government is not going to enforce the bill unless Government is to get adequate funds for working out this bill. That is the position taken up by Government yesterday. If this free compulsory primary education bill is enforced, either by educational cess or by additional taxation, necessary funds will be provided for and if the parents or families are to send their children to school without giving them a meal, at least one meal a day should be given to them. The provision with regard to meal is imperative and not discretionary on the part of the Government. I second the amendment.

Rao Sahib I. N. Menon *(Director of Public Instruction).*—Hon'ble Members wanted to know what was the exact issue with regard to taxation.

Mr. President.—So long the Government accepts the implication of the amendment Government will not be justified in compulsorily making children to go to school whether they can have one meal or not. And only in such areas where Government have got additional funds to meet all these requirements will compulsion be adopted. If the House accepts the amendment I have no objection.

* മിസ്റ്റർ ടി. കെ. നായർ *(Pazhayannur).*— സർ, ഞങ്ങൾ അത്യാവശ്യമായ കാര്യങ്ങൾ നടപ്പാക്കണമെന്നു പറയുമ്പോൾ ഓരോ അവസരങ്ങളിലും നിങ്ങൾ നികുതി, നികുതി എന്നു പറഞ്ഞു ഞങ്ങളെ ഭയപ്പെടുത്തുന്നതു് പരിതാപകരമാണ്. ഗവൺമെണ്ടിന്റെ ഭരണച്ചിലവു കുറയ്ക്കുവാൻ ഒരു റിട്ട്രെഞ്ചുമെന്റ് കമ്മിറ്റി വച്ചാൽ ന്യായമായതരത്തിൽ പണമുണ്ടാക്കുവാൻ സാധിക്കും. അങ്ങിനെ ഒരു കമ്മിറ്റി വ

* Speech not corrected by the Hon'ble Member

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ച്ചിട്ടും ചിലവു ചുരുക്കി ആദായം കാണുന്നില്ലെന്നുവരുന്നപക്ഷം നികുതി ചുമത്തുന്നതിനു ഞങ്ങൾ തയ്യാറാണെന്നു സമ്മതിച്ചിട്ടുണ്ട്. കമ്പൽഷൻ എന്നു പറഞ്ഞാൽ "Shall"-നും "May"-ക്കും അർത്ഥമില്ല. കമ്മിറ്റി രൂപീകരിക്കുന്നതു് ചെയ്യണമെന്നൊക്കെ അർത്ഥമുണ്ട്. ഡയറക്ടർ ചെയർമാനായിരുന്ന കമ്മിറ്റി തീർച്ചയാക്കീട്ടുള്ള തീരുമാനം ഗവർമ്മെണ്ടു സ്വീകരിക്കേണ്ടേ?

Mr. President.—The question is not one of taxation. The Hon'ble Member has entirely misunderstood the point. It is a question of expenditure and whether the expenditure is to be met by retrenchment or taxation is a matter which need not be considered. It will be the responsibility of the Government to see how the money should be found. Government will never shirk that responsibility or shove on that responsibility to anybody.

Amendment was put ard carried.

Clause 10 as amended was put and carried.

Mr. President.—The question is that clauses 11 to 13 stand part of the Bill.

Inspection of offices, books, and accounts of Education Committees.

11. The Offices, books and accounts of Education Committees shall be open to inspection by the Education Department

Appeal.

12. An appeal from the refusal of the Education Committee to recognise a primary school under section 3, shall lie to the Education Department.

Rules.

13. When any matter is required to be prescribed or regulated by rules under this Regulation, such rules shall be made by the Government and published in the Cochin Government Gazette.

Clauses were put and carried.

Mr. President.—The question is that clause 1 stand part of the Bill,

Short title.

1. This Regulation may be called "The Cochin Free, Compulsory, Primary Education Regulation, of 111 .

Clause was put and carried.

Mr. President—The question is that the title and preamble stand part of the Bill.

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